



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1899/DZ 1

RCT&PJH:kjf:eph

ALL

NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Ins 1-3 (JTK)  
Ins 1-4-MG  
Ins 1-5-RN  
Ins 1-4-DAK-1  
Ins 1-5-GM  
Ins 1-5-JK  
Ins 1-5-ARG

Analysis insert

↓ regenerate

1 AN ACT *to amend* 632.68 (2) (b) (intro.), 632.68 (4) (b), 633.14 (1) (intro.) and  
2 633.14 (2) (intro.); *to repeal and recreate* 299.05; and *to create* 93.125, 93.13,  
3 299.06, 601.58 and 628.093 of the statutes; **relating to:** periods in which state  
4 agencies will act on certain applications, *approval of certain applications, refunds of fees* and granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. ~~An~~ analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 SECTION 1. 93.125 of the statutes is created to read:  
6 **93.125 Deadlines for action on occupational applications. (1)**  
7 **DEADLINES.** The department, by rule, shall establish periods within which the  
8 department intends to approve or disapprove an application for any of the following:  
9 (a) A food inspector license under s. 93.11.  
10 (b) A professional weather modification license under s. 93.35 (4).

(c) An individual commercial pesticide applicator license under s. 94.704.

(d) A pesticide applicator certification under s. 94.705.

(f) A buttermaker or cheesemaker license under s. 97.17.

(g) A butter grader or cheese grader license under s. 97.175.

(h) A milk producer license under s. 97.22 (2).

(i) A grade A dairy farm permit under s. 97.22 (3).

(j) A milk and cream tester license under s. 98.145.

(k) A milk weigher and sampler license under s. 98.146.

(2) FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the department shall refund fees paid by the applicant for a license or other approval specified in sub. (1) if the department fails to provide the applicant with written notice that the department has approved or disapproved the application for the license or other approval, including the specific facts upon which any disapproval is based, before the expiration of the period established under sub. (1) for the license or other approval.

(b) The department may not disapprove an application for a license or other approval solely because the department is unable to complete its review of the application within the period established under sub. (1).

(3) NOTICE OF DEADLINE. Upon receiving an application for a license or other approval specified in sub. (1), the department shall inform the applicant of the period established under sub. (1) for the license or other approval.

(4) PERMITTED EXTENSION OF DEADLINE. The department may extend the period established under sub. (1) because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.

1           **SECTION 2.** 93.13 of the statutes is created to read:

2           **93.13 Automatic approval of certain applications. (1) DEADLINES.** The  
3 department, by rule, shall establish periods within which the department intends to  
4 approve or disapprove an application for any of the following:

5           (a) A weather modification permit under s. 93.35 (6).

6           (am) A nursery dealer license under s. 94.10 (2).

7           (b) A nursery grower license under s. 94.10 (3).

8           (c) A Christmas tree grower license under s. 94.10 (3g).

9           (cm) A seed labeler's license under s. 94.43.

10          (d) A ginseng grower or dealer registration under s. 94.50 (2).

11          (e) A fertilizer manufacturer or distributor license under s. 94.64 (3).

12          (em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).

13          (f) A soil or plant additive manufacturer or distributor license under s. 94.65  
14          (2).

15          (g) A soil or plant additive permit under s. 94.65 (3).

16          (gm) A license for the sale or distribution of liming material under s. 94.66 (2).

17          (h) A pesticide manufacturer or labeler license under s. 94.68 (1).

18          (i) A restricted use pesticide dealer or distributor license under s. 94.685.

19          (im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.

20          (j) A commercial pesticide application business license under s. 94.703.

21          (k) A commercial feed manufacturer or distributor license under s. 94.72 (5).

22          (km) A farm-raised deer registration under s. 95.55.

23          (L) A fish farm registration under s. 95.60 (3m).

24          (m) An animal market license under s. 95.68 (2).

25          (mm) An animal dealer license under s. 95.69 (2).

- 1 (n) An animal trucker license under s. 95.71 (2).
- 2 (p) A license for collecting or processing dead animals under s. 95.72 (2).
- 3 (pm) A license for transporting dead animals under s. 95.72 (7).
- 4 (q) A dairy plant license under s. 97.20 (2).
- 5 (r) A bulk milk tanker license under s. 97.21 (2).
- 6 (rm) A milk distributor license under s. 97.21 (3).
- 7 (s) A food warehouse license under s. 97.27 (2).
- 8 (t) A food processing plant license under s. 97.29 (2).
- 9 (tm) A retail food establishment license under s. 97.30 (2).
- 10 (u) A meat or poultry commercial slaughtering or processing license or a meat
- 11 or poultry custom slaughtering or processing registration certificate under s. 97.42
- 12 (2).
- 13 (v) A vehicle scale license under s. 98.16.
- 14 (vm) A weights and measures servicing license under s. 98.18 (1) (a).
- 15 (w) A liquid petroleum gas meter registration under s. 98.245 (7).
- 16 (wm) A public warehouse keeper license under s. 99.02 (1).
- 17 (x) A mobile air conditioner servicing registration certificate under s. 100.45
- 18 (5) (c).
- 19 (xm) A grain dealer license under s. 126.11.
- 20 (y) A grain warehouse keeper license under s. 126.26.
- 21 (ym) A milk contractor license under s. 126.41.
- 22 (z) A vegetable contractor license under s. 126.56.
- 23 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (c) and (d) and (5), failure
- 24 by the department to provide the applicant for a license, permit, or other approval
- 25 specified in sub. (1) with written notice that the department has approved or

1 disapproved the application for the license, permit, or other approval, including the  
2 specific facts upon which any disapproval is based, before the expiration of the period  
3 established under sub. (1) for the license, permit, or other approval, constitutes  
4 approval of the application. A license, permit, or other approval approved under this  
5 paragraph is subject to any terms or conditions specified by statute or rule for the  
6 license, permit, or other approval and the department may suspend, limit, revoke,  
7 or withdraw the license, permit, or other approval for substantial failure to comply  
8 with those terms or conditions. Within 30 days after the expiration of the period  
9 established under sub. (1) for the license, permit, or other approval, the department  
10 shall provide the applicant with a statement showing that the license, permit, or  
11 other approval is approved and specifying any terms and conditions that apply to  
12 that license, permit, or other approval.

13 (b) The department may not disapprove an application for a license, permit, or  
14 other approval solely because the department is unable to complete its review of the  
15 application within the period established under sub. (1).

16 (3) NOTICE OF DEADLINE. Upon receiving an application for a license, permit, or  
17 other approval specified in sub. (1), the department shall inform the applicant of the  
18 period established under sub. (1) for the license, permit, or other approval.

19 (4) OPTIONAL PROVISIONS OF RULES. The department may include any of the  
20 following in the rules required under sub. (1):

21 (a) Methods for determining the commencement of the period established  
22 under sub. (1) and for determining when the application for a license, permit, or other  
23 approval is complete.

1 (b) A longer period under sub. (1) for an application for a permit, approval, or  
2 other determination for which an environmental impact statement is required under  
3 s. 1.11 than for other applications.

4 (c) Extensions of the period established under sub. (1) because the applicant  
5 makes a material modification to the application if the department notifies the  
6 applicant in writing of the extension within 30 days after the applicant makes the  
7 modification.

8 (d) Extensions of the period established under sub. (1) because information  
9 needed by the department to complete its review of an application for a license,  
10 permit, or other approval is unknown or cannot be determined with certainty when  
11 the department receives the application if the department notifies the applicant in  
12 writing of the need for an extension within 30 days after the applicant submits the  
13 application.

14 (e) Deadlines for the department to complete intermediate steps in the process  
15 of completing its review of an application.

16 (5) EXTENSIONS AUTHORIZED. (a) During the period established under sub. (1),  
17 the department and the applicant may jointly agree to a different period for acting  
18 on an application for a license, permit, or other approval than that specified under  
19 sub. (1).

20 (b) The department may extend the period established under sub. (1) because  
21 an application is incomplete if, within 30 days after receiving the application, the  
22 department provides written notice to the applicant describing specifically the  
23 information that must be provided to complete the application.

(c) The department may extend the period established under sub. (1) for an application by not more than 60 days if the department provides written notice of the extension to the applicant within the period established under sub. (1).

(d) The department may extend the period established under sub. (1) for an application by more than 60 days if, within the period established under sub. (1), the department finds that there is a substantial likelihood that the activity proposed to be conducted under the application would result in substantial harm to public health or safety or the environment and that the department cannot adequately review the application within the period established under sub. (1) and provides written notice to the applicant that states with particularity the facts on which those findings are based.

SECTION 3. 299.05 of the statutes is repealed and recreated to read:

**299.05 Deadlines for action on occupational applications. (1)**

**DEADLINES.** The department, by rule, shall establish periods within which the department intends to approve or disapprove an application for any of the following:

- (a) A well driller or pump installer registration under s. 280.15.
- (b) A water system, wastewater treatment plant, or septage servicing vehicle operator certification under s. 281.17 (3).
- (c) A license for servicing septic tanks and similar facilities under s. 281.48 (3).
- (d) A solid waste incinerator operator certification under s. 285.51 (2).
- (e) An ozone-depleting refrigerant removal approval under s. 285.59.
- (f) A solid waste disposal facility operator certification under s. 289.42 (1).
- (g) A hazardous waste transportation service license under s. 291.23.
- (h) A metallic mining exploration license under s. 293.21.
- (i) An oil or gas exploration license under s. 295.33 (1).

(j) A laboratory certification or registration under s. 299.11.

(k) A medical waste transportation license under s. 299.51 (3) (c).

(2) FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the department shall refund fees paid by the applicant for a license or other approval specified in sub. (1) if the department fails to provide the applicant with written notice that the department has approved or disapproved the application for the license or other approval, including the specific facts upon which any disapproval is based, before the expiration of the period established under sub. (1) for the license or other approval.

(b) The department may not disapprove an application for a license or other approval solely because the department is unable to complete its review of the application within the period established under sub. (1).

(3) NOTICE OF DEADLINE. Upon receiving an application for a license or other approval specified in sub. (1), the department shall inform the applicant of the period established under sub. (1) for the license or other approval.

(4) PERMITTED EXTENSION OF DEADLINE. The department may extend the period established under sub. (1) because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.

SECTION 4. 299.06 of the statutes is created to read:

**299.06 Automatic approval of certain applications.** (1) DEADLINES. The department, by rule, shall establish periods within which the department intends to approve or disapprove an application for any of the following:

(a) A high-capacity well approval under s. 281.17 (1).

(b) A water pollution discharge permit under s. 283.31 or 283.33.

1 (c) An air pollution control permit under s. 285.60.

2 (d) A solid waste facility determination of feasibility under s. 289.29.

3 (e) A solid waste facility operating license under s. 289.31.

4 (f) A hazardous waste facility operating license under s. 291.25.

5 (g) A prospecting permit under s. 293.45.

6 (h) An oil or gas production license under s. 295.33 (2).

Insert 7  
q-6  
(from MSV 6) →  
8 (2) FAILURE TO MEET DEADLINE. (a) Subject to subs. (4) (c) and (d) and (5), failure  
9 by the department to provide the applicant for a permit, approval, or other  
10 determination specified in sub. (1) with written notice that the department has  
11 approved or disapproved the application for the permit, approval, or other  
12 determination, including the specific facts upon which any disapproval is based,  
13 before the expiration of the period established under sub. (1) for the permit, approval,  
14 or other determination, constitutes approval of the application. A permit, approval,  
15 or other determination approved under this paragraph is subject to any terms or  
16 conditions specified by statute or rule for the permit, approval, or other  
17 determination and the department may suspend, limit, revoke, or withdraw the  
18 permit, approval, or other determination for substantial failure to comply with those  
19 terms or conditions. Within 30 days after the expiration of the period established  
20 under sub. (1) for the permit, approval, or other determination, the department shall  
21 provide the applicant with a statement showing that the permit, approval, or other  
22 determination is approved and specifying any terms and conditions that apply to  
23 that permit, approval, or other determination.

24 (b) The department may not disapprove an application for a permit, approval,  
25 or other determination solely because the department is unable to complete its  
review of the application within the period established under sub. (1).

1           (3) NOTICE OF DEADLINE. Upon receiving an application for a permit, approval,  
2           or other determination specified in sub. (1), the department shall inform the  
3           applicant of the period established under sub. (1) for the permit, approval, or other  
4           determination.

5           (4) OPTIONAL PROVISIONS OF RULES. The department may include any of the  
6           following in the rules required under sub. (1):

7           (a) Methods for determining the commencement of the period established  
8           under sub. (1) and for determining when the application for a permit, approval, or  
9           other determination is complete.

10          (b) A longer period under sub. (1) for an application for a permit, approval, or  
11          other determination for which an environmental impact statement is required under  
12          s. 1.11 than for other applications.

13          (c) Extensions of the period established under sub. (1) because the applicant  
14          makes a material modification to the application if the department notifies the  
15          applicant in writing of the extension within 30 days after the applicant makes the  
16          modification.

17          (d) Extensions of the period established under sub. (1) because information  
18          needed by the department to complete its review of an application for a permit,  
19          approval, or other determination is unknown or cannot be determined with certainty  
20          when the department receives the application if the department notifies the  
21          applicant in writing of the need for an extension within 30 days after the applicant  
22          submits the application.

23          (e) Deadlines for the department to complete intermediate steps in the process  
24          of completing its review of an application.

(5) EXTENSIONS AUTHORIZED. (a) During the period established under sub. (1), the department and the applicant may jointly agree to a different period for acting on an application for a permit, approval, or other determination than that specified under sub. (1).

(b) The department may extend the period established under sub. (1) because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.

(c) The department may extend the period established under sub. (1) for an application ~~other than for a permit or other approval described in sub. (1) (i)~~ by not more than 60 days if the department provides written notice of the extension to the applicant within the period established under sub. (1).

(d) The department may extend the period established under sub. (1) for an application by more than 60 days if, within the period established under sub. (1), the department finds that there is a substantial likelihood that the activity proposed to be conducted under the application would result in substantial harm to public health or safety or the environment and that the department cannot adequately review the application within the period established under sub. (1) and provides written notice to the applicant that states with particularity the facts on which those findings are based.

SECTION 5. 601.58 of the statutes is created to read:

**601.58 Deadlines for action on license applications.** (1) DEADLINES. The commissioner, by rule, shall establish periods within which the commissioner intends to approve or disapprove an application for any of the following:

(a) An insurance intermediary license under subch. II of ch. 628, including a temporary license under s. 628.09.

INSERT  
11-19  
PJI I

INSERT  
11-19  
DAK

INSERT  
11-19  
PJI II

4. INSERT 11-19 MT — see 03-1899/P3 ins Mt

5. INS 11-19 RAC  
INS 11-19 PJK

(1) ~~C~~ A viatical settlement provider license under s. 632.68 (2).

(2) ~~d~~ A viatical settlement broker license under s. 632.68 (4).

(3) ~~e~~ A benefit plan administrator license under s. 633.14.

(2) FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the commissioner shall refund fees paid by the applicant for a license specified in sub. (1) if the commissioner fails to provide the applicant with written notice that the commissioner has approved or disapproved the application for the license, including the specific facts upon which any disapproval is based, before the expiration of the period established under sub. (1) for the license.

(b) The commissioner may not disapprove an application for a license solely because the commissioner is unable to complete the review of the application within the period established under sub. (1).

(3) NOTICE OF DEADLINE. Upon receiving an application for a license specified in sub. (1), the commissioner shall inform the applicant of the period established under sub. (1) for approving or disapproving the license.

(4) PERMITTED EXTENSION OF DEADLINE. The commissioner may extend the period established under sub. (1) because an application is incomplete if, within 30 days after receiving an incomplete application, the commissioner provides written notice to the applicant describing specifically the information that must be provided to complete the application.

SECTION 6. 628.093 of the statutes is created to read:

**628.093 Deadline for acting on application.** Approval or disapproval of an application for a license under this subchapter is subject to s. 601.58.

SECTION 7. 632.68 (2) (b) (intro.) of the statutes is amended to read:

certificate of authority or

1           632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical  
2     settlement provider license on a form prescribed by the commissioner for that  
3     purpose. The application form shall require the applicant to provide the applicant's  
4     social security number, if the applicant is a natural person unless the applicant does  
5     not have a social security number, or the applicant's federal employer identification  
6     number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)  
7     (mm) shall accompany the application. After Subject to s. 601.58, after any  
8     investigation of the applicant that the commissioner determines is sufficient, the  
9     commissioner shall issue a viatical settlement provider license to an applicant that  
10    satisfies all of the following:

11           **SECTION 8.** 632.68 (4) (b) of the statutes is amended to read:

12           632.68 (4) (b) A person may apply to the commissioner for a viatical settlement  
13    broker license on a form prescribed by the commissioner for that purpose. The  
14    application form shall require the applicant to provide the applicant's social security  
15    number, if the applicant is a natural person unless the applicant does not have a  
16    social security number, or the applicant's federal employer identification number, if  
17    the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) shall  
18    accompany the application. The commissioner may not issue a license under this  
19    subsection unless the applicant provides his or her social security number, unless the  
20    applicant does not have a social security number, or its federal employer  
21    identification number, whichever is applicable. If the applicant is a natural person  
22    who does not have a social security number, the commissioner may not issue a license  
23    under this subsection unless the applicant provides, on a form prescribed by the  
24    department of workforce development, a statement made or subscribed under oath  
25    or affirmation that the applicant does not have a social security number. Approval

1 or disapproval of an application for a license under this subsection is subject to s.  
2 601.58.

3 **SECTION 9.** 633.14 (1) (intro.) of the statutes is amended to read:

4 633.14 (1) (intro.) The Subject to s. 601.58, the commissioner shall issue a  
5 license to act as an administrator to an individual who does all of the following:

6 **SECTION 10.** 633.14 (2) (intro.) of the statutes is amended to read:

7 633.14 (2) (intro.) The Subject to s. 601.58, the commissioner shall issue a  
8 license to act as an administrator to a corporation, limited liability company, or  
9 partnership that does all of the following:

10 (END)

FW5  
14-9

DNte

## **Analysis insert**

### ***Deadlines for agency action***

This bill requires state agencies to promulgate rules establishing periods within which the agencies intend to approve or disapprove applications for specified licenses, permits, and other approvals that the agencies issue. The following state agencies are required to promulgate rules: the Department of Natural Resources (DNR); the Department of Agriculture, Trade and Consumer Protection (DATCP), the Department of Regulation and Licensing (DRL); the Department of Health and Family Services (DHFS); the Department of Commerce; the Department of Workforce Development (DWD); the Department of Public Instruction (DPI); the Department of Financial Institutions (DFI); the Department of Transportation (DOT); the Department of Administration (DOA); the Department of Revenue (DOR); the Department of Corrections; the Department of Electronic Government; the Office of the Commissioner of Insurance (OCI); the Ethics Board; the Elections Board; the Building Commission; the Public Records Board; the Educational Approval Board; and the State Capitol and Executive Residence Board.

### ***Automatic approval upon failure to meet deadlines***

Under this bill, there are two possible consequences of failure to act on an application within the period established by rule. For some kinds of approvals, if an agency fails to act within the period established by rule or before the end of an authorized extension of that period, the application is automatically approved. An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant, within 30 days of receiving the application, describing the information that must be provided to complete the application. An agency may extend the period by not more than 60 days if the agency provides written notification of the extension before the period expires, except that this provision does not apply to permits and other determinations related to structures and deposits in navigable waters and similar matters. An agency may extend the period by more than 60 days if it finds that there is a substantial likelihood that the activity proposed to be conducted under the application would result in substantial harm to public health or safety or the environment and that the agency cannot adequately review the application within the period. The bill also authorizes agencies to promulgate rules providing for extensions of the period for acting on an application because the applicant makes a material modification to the application or because information that the agency needs to complete its review of an application is unavailable.

A license or permit that is automatically approved is subject to any terms or conditions specified by statute or rule for that kind of license or permit and the agency may suspend or revoke it for failure to comply with those terms or conditions.

Approvals for which failure to act by a deadline results in automatic approval include: high-capacity well approvals, water pollution and air pollution permits, solid or hazardous waste facility operating licenses, and permits and other

determinations related to structures and deposits in navigable waters issued by DNR; nursery dealer, pesticide manufacturer, commercial feed manufacturer, food processing plant, and grain dealer licenses, and farm-raised deer registrations issued by DATCP; approvals of construction site erosion control plans, approvals of exemptions from requirements related to the retention and disclosure of information about toxic substances, and approvals of agencies that inspect manufactured homes issued by the Department of Commerce; certain approvals related to unemployment insurance issued by DWD; approvals of plans for mergers by certain business entities and approvals relating to the operations of state banks, savings banks and savings and loans, and credit unions issued by DFI; approval of subcontractors for state building contracts and of state construction contracts by DOA; approval of ballots and voting devices by the Elections Board; approval of building projects by the Building Commission; approval of the disposition of public records and of public records retention schedules by the Public Records Board; and approval of proposed alterations to the state capitol or executive residence by the State Capitol and Executive Residence Board.

***Fee refunds upon failure to meet deadlines***

For the kinds of approvals that are not subject to automatic approval under the bill, an agency must refund fees paid by an applicant for an approval if the agency fails to act within the period established by rule. An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant within 30 days of receiving the application describing the information that must be provided to complete the application.

Approvals for which the consequence of failure to act on an application within the period established by rule is a refund of fees include: well driller registrations, bait dealer licenses, and commercial fishing licenses issued by DNR; milk producer, buttermaker, and cheesemaker licenses issued by DATCP; all of the occupational credentials issued by DRL and its examining boards and affiliated credentialing boards; licenses for day care centers, group homes, nursing homes, ambulance service providers, and emergency medical technicians, certifications for mental health facilities, and permits for hotels and restaurants issued by DHFS; electrician certifications, plumber licenses, and building plan approvals issued by the Department of Commerce; migrant labor camp and contractor certifications and sheltered workshop and employment agent licenses issued by DWD; teaching licenses issued by DPI; mortgage banker and investment advisor licenses issued by DFI; outdoor advertising permits, motor vehicle dealer licenses, and oversize and overweight vehicle permits issued by DOT; racetrack and bingo licenses issued by DOA; permits related to the sale of cigarettes, tobacco products, and alcohol beverages issued by DOR; licenses for secured child caring institutions issued by the Department of Corrections; certificates of authority to transact the business of insurance and benefit plan administrator licenses issued by OCI; and lobbyist licenses issued by the Ethics Board.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

SECTION 2. <sup>5.059</sup> ~~93.13~~ of the statutes is created to read:

<sup>5.059</sup> ~~93.13~~ <sup>board</sup> Automatic approval of certain applications. (1) DEADLINES. The <sup>board</sup> ~~department~~, by rule, shall establish periods within which the ~~department~~ intends to approve or disapprove an application for any of the following:

<sup>Approval of ballots, devices and voting equipment under s. 5.91.</sup>  
(a) ~~A weather modification permit under s. 93.35 (6).~~

(am) ~~A nursery dealer license under s. 94.10 (2).~~

<sup>Certification of chief inspectors under s. 7.31.</sup>  
(b) ~~A nursery grower license under s. 94.10 (3).~~

<sup>Approval of inspectors</sup>  
(c) ~~A Christmas tree grower license under s. 94.10 (3g).~~

(em) ~~A seed labeler's license under s. 94.43.~~

(d) ~~A ginseng grower or dealer registration under s. 94.50 (2).~~

(e) ~~A fertilizer manufacturer or distributor license under s. 94.64 (3).~~

(em) ~~A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).~~

(f) ~~A soil or plant additive manufacturer or distributor license under s. 94.65~~

(2).

(g) ~~A soil or plant additive permit under s. 94.65 (3).~~

(gm) ~~A license for the sale or distribution of liming material under s. 94.66 (2).~~

(h) ~~A pesticide manufacturer or labeler license under s. 94.68 (1).~~

(i) ~~A restricted use pesticide dealer or distributor license under s. 94.685.~~

(im) ~~A veterinary clinic pesticide use and repackaging permit under s. 94.702.~~

(j) ~~A commercial pesticide application business license under s. 94.703.~~

(k) ~~A commercial feed manufacturer or distributor license under s. 94.72 (5).~~

(km) ~~A farm-raised deer registration under s. 95.55.~~

(L) ~~A fish farm registration under s. 95.60 (3m).~~

(m) ~~An animal market license under s. 95.68 (2).~~

(mm) ~~An animal dealer license under s. 95.69 (2).~~

- 1 (n) An animal trucker license under s. 95.71 (2).  
2 (p) A license for collecting or processing dead animals under s. 95.72 (2).  
3 (pm) A license for transporting dead animals under s. 95.72 (7).  
4 (q) A dairy plant license under s. 97.20 (2).  
5 (r) A bulk milk tanker license under s. 97.21 (2).  
6 (rm) A milk distributor license under s. 97.21 (3).  
7 (s) A food warehouse license under s. 97.27 (2).  
8 (t) A food processing plant license under s. 97.29 (2).  
9 (tm) A retail food establishment license under s. 97.30 (2).  
10 (u) A meat or poultry commercial slaughtering or processing license or a meat  
11 or poultry custom slaughtering or processing registration certificate under s. 97.42  
12 (2).  
13 (v) A vehicle scale license under s. 98.16.  
14 (vm) A weights and measures servicing license under s. 98.18 (1) (a).  
15 (w) A liquid petroleum gas meter registration under s. 98.245 (7).  
16 (wm) A public warehouse keeper license under s. 99.02 (1).  
17 (x) A mobile air conditioner servicing registration certificate under s. 100.45  
18 (5) (c).  
19 (xm) A grain dealer license under s. 126.11.  
20 (y) A grain warehouse keeper license under s. 126.26.  
21 (ym) A milk contractor license under s. 126.41.  
22 (z) A vegetable contractor license under s. 126.56.

23 (2) FAILURE TO MEET DEADLINE. (a) Subject to subs. (4) (c) and (d) and (5), failure  
24 by the <sup>board</sup> department to provide the applicant for a license, permit, or other <sup>an</sup> approval  
25 specified in sub. (1) with written notice that the <sup>board</sup> department has approved or

1 disapproved the application for the ~~license, permit, or other approval~~, including the  
2 specific facts upon which any disapproval is based, before the expiration of the period  
3 established under sub. (1) for the ~~license, permit, or other approval~~, constitutes  
4 approval of the application. ~~A license, permit, or other approval~~ <sup>An application</sup> approved under this  
5 paragraph is subject to any terms or conditions specified by statute or rule for the  
6 ~~license, permit, or other approval~~ and the <sup>board</sup> ~~department~~ may suspend, limit, revoke,  
7 or withdraw the ~~license, permit, or other approval~~ for substantial failure to comply  
8 with those terms or conditions. Within 30 days after the expiration of the period  
9 established under sub. (1) for the ~~license, permit, or other approval~~, the <sup>board</sup> ~~department~~  
10 shall provide the applicant with a statement showing that the ~~license, permit, or~~  
11 <sup>application</sup> ~~other approval~~ is approved and specifying any terms and conditions that apply to  
12 that ~~license, permit, or other approval~~.

13 (b) The <sup>board</sup> ~~department~~ may not disapprove an application for a ~~license, permit, or~~  
14 <sup>an</sup> ~~other~~ approval solely because the <sup>board</sup> ~~department~~ is unable to complete its review of the  
15 application within the period established under sub. (1).

16 (3) NOTICE OF DEADLINE. Upon receiving an application for a ~~license, permit, or~~  
17 <sup>an</sup> ~~other~~ approval specified in sub. (1), the <sup>board</sup> ~~department~~ shall inform the applicant of the  
18 period established under sub. (1) for the ~~license, permit, or other approval~~.

19 (4) OPTIONAL PROVISIONS OF RULES. The <sup>board</sup> ~~department~~ may include any of the  
20 following in the rules required under sub. (1):

21 (a) Methods for determining the commencement of the period established  
22 under sub. (1) and for determining when the application for a ~~license, permit, or other~~  
23 <sup>an</sup> ~~approval~~ is complete.

1 (b) A longer period under sub. (1) for an application for <sup>an</sup> ~~a permit, approval, or~~  
2 ~~other determination~~ for which an environmental impact statement is required under  
3 s. 1.11 than for other applications.

4 (c) Extensions of the period established under sub. (1) because the applicant  
5 makes a material modification to the application if the <sup>board</sup> ~~department~~ notifies the  
6 applicant in writing of the extension within 30 days after the applicant makes the  
7 modification.

8 (d) Extensions of the period established under sub. (1) because information  
9 needed by the <sup>board</sup> ~~department~~ to complete its review of an application for ~~a license,~~  
10 ~~permit, or other approval~~ is unknown or cannot be determined with certainty when  
11 the <sup>board</sup> ~~department~~ receives the application if the <sup>board</sup> ~~department~~ notifies the applicant in  
12 writing of the need for an extension within 30 days after the applicant submits the  
13 application.

14 (e) Deadlines for the <sup>board</sup> ~~department~~ to complete intermediate steps in the process  
15 of completing its review of an application.

16 (5) EXTENSIONS AUTHORIZED. (a) During the period established under sub. (1),  
17 the <sup>board</sup> ~~department~~ and the applicant may jointly agree to a different period for acting  
18 on an application for ~~a license, permit, or other approval~~ than that specified under  
19 sub. (1).

20 (b) The <sup>board</sup> ~~department~~ may extend the period established under sub. (1) because  
21 an application is incomplete if, within 30 days after receiving the application, the  
22 <sup>board</sup> ~~department~~ provides written notice to the applicant describing specifically the  
23 information that must be provided to complete the application.

1 (c) The ~~department~~<sup>board</sup> may extend the period established under sub. (1) for an  
2 application by not more than 60 days if the ~~department~~<sup>board</sup> provides written notice of the  
3 extension to the applicant within the period established under sub. (1).

4 (d) The ~~department~~<sup>board</sup> may extend the period established under sub. (1) for an  
5 application by more than 60 days if, within the period established under sub. (1), the  
6 ~~department~~<sup>board</sup> finds that there is a substantial likelihood that the activity proposed to  
7 be conducted under the application would result in substantial harm to public health  
8 or safety or the environment and that the ~~department~~<sup>board</sup> cannot adequately review the  
9 application within the period established under sub. (1) and provides written notice  
10 to the applicant that states with particularity the facts on which those findings are  
11 based.

12 **SECTION 3.** 299.05 of the statutes is repealed and recreated to read:

13 **299.05 Deadlines for action on occupational applications. (1)**

14 **DEADLINES.** The department, by rule, shall establish periods within which the  
15 department intends to approve or disapprove an application for any of the following:

16 (a) A well driller or pump installer registration under s. 280.15.

17 (b) A water system, wastewater treatment plant, or septage servicing vehicle  
18 operator certification under s. 281.17 (3).

19 (c) A license for servicing septic tanks and similar facilities under s. 281.48 (3).

20 (d) A solid waste incinerator operator certification under s. 285.51 (2).

21 (e) An ozone-depleting refrigerant removal approval under s. 285.59.

22 (f) A solid waste disposal facility operator certification under s. 289.42 (1).

23 (g) A hazardous waste transportation service license under s. 291.23.

24 (h) A metallic mining exploration license under s. 293.21.

25 (i) An oil or gas exploration license under s. 295.33 (1).

13.48(36)  
SECTION 2. ~~93.13~~ of the statutes is created to read:

13.48(36) ~~RLCAPS~~  
**93.13 Automatic approval of certain applications.** (1) DEADLINES. The  
~~department~~ <sup>commission</sup>, by rule, shall establish periods within which the ~~department~~ <sup>commission</sup> intends to  
approve or disapprove an ~~application~~ <sup>proposed</sup> for any of the following:

- (a) ~~A weather modification permit under s. 93.35 (6).~~ <sup>Approval of University of Wisconsin system building projects under s. 13.48(2)(b) 1m.</sup>
- (am) ~~A nursery dealer license under s. 94.10 (2).~~ <sup>Approval of proposed state building projects under s. 13.48(10).</sup>
- (b) ~~A nursery grower license under s. 94.10 (3).~~ <sup>Authorization for privately owned facilities to be constructed on state-owned land under s. 13.48(12)(a).</sup>
- (c) ~~A Christmas tree grower license under s. 94.10 (3g).~~ <sup>residence halls under s. 13.48(20).</sup>
- (cm) ~~A seed labeler's license under s. 94.43.~~ <sup>Approval of assessments against state property under s. 66.0703(6).</sup>
- (d) ~~A ginseng grower or dealer registration under s. 94.50 (2).~~
- (e) ~~A fertilizer manufacturer or distributor license under s. 94.64 (3).~~
- (em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).
- (f) A soil or plant additive manufacturer or distributor license under s. 94.65
- (2).
- (g) A soil or plant additive permit under s. 94.65 (3).
- (gm) A license for the sale or distribution of liming material under s. 94.66 (2).
- (h) A pesticide manufacturer or labeler license under s. 94.68 (1).
- (i) A restricted use pesticide dealer or distributor license under s. 94.685.
- (im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.
- (j) A commercial pesticide application business license under s. 94.703.
- (k) A commercial feed manufacturer or distributor license under s. 94.72.(5).
- (km) A farm-raised deer registration under s. 95.55.
- (L) A fish farm registration under s. 95.60 (3m).
- (m) An animal market license under s. 95.68 (2).
- (mm) An animal dealer license under s. 95.69 (2).

- 1 (n) An animal trucker license under s. 95.71 (2).  
 2 (p) A license for collecting or processing dead animals under s. 95.72 (2).  
 3 (pm) A license for transporting dead animals under s. 95.72 (7).  
 4 (q) A dairy plant license under s. 97.20 (2).  
 5 (r) A bulk milk tanker license under s. 97.21 (2).  
 6 (rm) A milk distributor license under s. 97.21 (3).  
 7 (s) A food warehouse license under s. 97.27 (2).  
 8 (t) A food processing plant license under s. 97.29 (2).  
 9 (tm) A retail food establishment license under s. 97.30 (2).  
 10 (u) A meat or poultry commercial slaughtering or processing license or a meat  
 11 or poultry custom slaughtering or processing registration certificate under s. 97.42  
 12 (2).  
 13 (v) A vehicle scale license under s. 98.16.  
 14 (vm) A weights and measures servicing license under s. 98.18 (1) (a).  
 15 (w) A liquid petroleum gas meter registration under s. 98.245 (7).  
 16 (wm) A public warehouse keeper license under s. 99.02 (1).  
 17 (x) A mobile air conditioner servicing registration certificate under s. 100.45  
 18 (5) (c).  
 19 (xm) A grain dealer license under s. 126.11.  
 20 (y) A grain warehouse keeper license under s. 126.26.  
 21 (ym) A milk contractor license under s. 126.41.  
 22 (z) A vegetable contractor license under s. 126.56.

23 (b) (2) FAILURE TO MEET DEADLINE. (a) Subject to <sup>par. (d) 3. and 4. and (e)</sup> ~~subs. (4) (c) and (d) and (5)~~, failure  
 24 by the <sup>Commission</sup> ~~department~~ to provide the applicant for a license, permit, or other approval  
 25 specified in <sup>par. (a)</sup> ~~sub. (1)~~ with written notice that the <sup>Commission</sup> ~~department~~ has approved or

1 disapproved the application for the ~~license, permit, or other approval~~, including the  
2 specific facts upon which any disapproval is based, before the expiration of the period  
3 established under ~~sub. (1)~~ <sup>par. (a)</sup> for the ~~license, permit, or other approval~~, constitutes  
4 approval of the application. ~~A license, permit, or other approval~~ <sup>An application</sup> approved under this  
5 paragraph is subject to any terms or conditions specified by statute or rule for the  
6 ~~license, permit, or other approval~~ and the ~~department~~ <sup>COMMISSION</sup> may suspend, limit, revoke,  
7 or withdraw the ~~license, permit, or other approval~~ for substantial failure to comply  
8 with those terms or conditions. Within 30 days after the expiration of the period  
9 established under ~~sub. (1)~~ <sup>par. (a)</sup> for the ~~license, permit, or other approval~~, the ~~department~~ <sup>COMMISSION</sup>  
10 shall provide the applicant with a statement showing that the ~~license, permit, or~~  
11 ~~other approval~~ <sup>application</sup> is approved and specifying any terms and conditions that apply to  
12 that ~~license, permit, or other approval~~.

13 (b) The ~~department~~ <sup>COMMISSION</sup> may not disapprove an application for a ~~license, permit, or~~  
14 ~~other approval~~ solely because the ~~department~~ <sup>COMMISSION</sup> is unable to complete its review of the  
15 application within the period established under ~~sub. (1)~~ <sup>par. (a)</sup>.

16 (c) (5) NOTICE OF DEADLINE. Upon receiving an application for a ~~license, permit, or~~  
17 ~~other approval~~ <sup>an</sup> specified in ~~sub. (1)~~ <sup>par. (a)</sup>, the ~~department~~ <sup>COMMISSION</sup> shall inform the applicant of the  
18 period established under ~~sub. (1)~~ <sup>par. (a)</sup> for the ~~license, permit, or other approval~~.

19 (4) OPTIONAL PROVISIONS OF RULES. The ~~department~~ <sup>COMMISSION</sup> may include any of the  
20 following in the rules required under ~~sub. (1)~~ <sup>par. (a)</sup>:

21 1. ~~(a)~~ <sup>par. (a)</sup> Methods for determining the commencement of the period established  
22 under ~~sub. (1)~~ <sup>par. (a)</sup> and for determining when the application for a ~~license, permit, or other~~  
23 ~~approval~~ <sup>an</sup> is complete.

1 2. (b) A longer period under <sup>par. (a)</sup> sub. (1) for an application for <sup>an</sup> ~~a~~ permit, approval, or  
2 ~~other determination~~ for which an environmental impact statement is required under  
3 s. 1.11 than for other applications.

4 3. (c) Extensions of the period established under <sup>par. (a)</sup> sub. (1) because the applicant  
5 makes a material modification to the application if the <sup>commission</sup> ~~department~~ notifies the  
6 applicant in writing of the extension within 30 days after the applicant makes the  
7 modification.

8 4. (d) Extensions of the period established under <sup>par. (a)</sup> sub. (1) because information  
9 needed by the <sup>commission</sup> ~~department~~ to complete its review of an application for ~~a license,~~  
10 ~~permit, or other approval~~ is unknown or cannot be determined with certainty when  
11 the <sup>commission</sup> ~~department~~ receives the application if the <sup>commission</sup> ~~department~~ notifies the applicant in  
12 writing of the need for an extension within 30 days after the applicant submits the  
13 application.

14 5. (e) Deadlines for the <sup>commission</sup> ~~department~~ to complete intermediate steps in the process  
15 of completing its review of an application.

16 (e)(5) EXTENSIONS AUTHORIZED. (a) During the period established under <sup>par. (a)</sup> sub. (1),  
17 the <sup>commission</sup> ~~department~~ and the applicant may jointly agree to a different period for acting  
18 on an application for ~~a license, permit, or other approval~~ than that specified under

19 <sup>par. (a)</sup> sub. (1).  
20 2. (b) The <sup>commission</sup> ~~department~~ may extend the period established under <sup>par. (a)</sup> sub. (1) because  
21 an application is incomplete if, within 30 days after receiving the application, the  
22 <sup>commission</sup> ~~department~~ provides written notice to the applicant describing specifically the  
23 information that must be provided to complete the application.

1 3. <sup>Commission</sup> ~~The department~~ may extend the period established under <sup>par. (a)</sup> ~~sub. (1)~~ for an  
2 application by not more than 60 days if the <sup>Commission</sup> ~~department~~ provides written notice of the  
3 extension to the applicant within the period established under <sup>par. (a)</sup> ~~sub. (1)~~.

4 4. <sup>Commission</sup> ~~The department~~ may extend the period established under <sup>par. (a)</sup> ~~sub. (1)~~ for an  
5 application by more than 60 days if, within the period established under <sup>par. (a)</sup> ~~sub. (1)~~, the  
6 <sup>Commission</sup> ~~department~~ finds that there is a substantial likelihood that the activity proposed to  
7 be conducted under the application would result in substantial harm to public health  
8 or safety or the environment and that the <sup>Commission</sup> ~~department~~ cannot adequately review the  
9 application within the period established under <sup>par. (a)</sup> ~~sub. (1)~~ and provides written notice  
10 to the applicant that states with particularity the facts on which those findings are  
11 based.

12 **SECTION 3.** 299.05 of the statutes is repealed and recreated to read:

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15 department intends to approve or disapprove an application for any of the following:

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19 (c) A license for servicing septic tanks and similar facilities under s. 281.48 (3).

20 (d) A solid waste incinerator operator certification under s. 285.51 (2).

21 (e) An ozone-depleting refrigerant removal approval under s. 285.59.

22 (f) A solid waste disposal facility operator certification under s. 289.42 (1).

23 (g) A hazardous waste transportation service license under s. 291.23.

24 (h) A metallic mining exploration license under s. 293.21.

25 (i) An oil or gas exploration license under s. 295.33 (1).